

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SERVISIO SIMMON,

Plaintiff,

v.

9:14-CV-1419
(DNH/ATB)

D. UHLER, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

SERVISIO SIMMON
Plaintiff, pro se, 07-A-1347
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13021

HON. ERIC T. SCHNEIDERMAN
Office of the Attorney General - Albany
Counsel for Defendant
The Capitol
Albany, New York 12224

Oriana L. Carravetta, Esq.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Servisio Simmon filed this action on November 24, 2014. On August 19, 2015, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendant's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 be granted. No objections to the Report-Recommendation were filed.

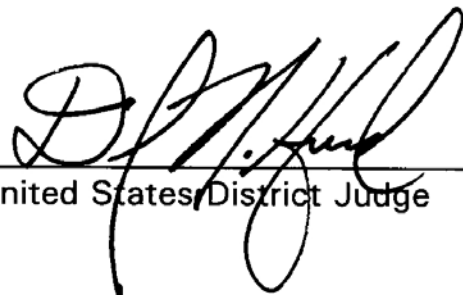
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant's motion for summary judgment (ECF No. 13) is GRANTED;
2. Plaintiff's complaint is DISMISSED IN ITS ENTIRETY; and
3. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: September 24, 2015
Utica, New York.